

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 26TH DAY OF JANUARY 2009 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice- Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Angie Hill	-Financial & Management Services Director
	Karen Bernard	-Finance Manager
	Steve Sandy	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

ADD TO THE AGENDA – ADDENDUM TO CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the addendum dated January 26, 2009 was added to the agenda under Closed Meeting as follows:

- Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
2. Prices Fork Elementary School Site
 3. Old Blacksburg Middle School Property

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed
William H. Brown
James D. Politis
Mary W. Biggs
Doug Marrs
John A. Muffo
Annette S. Perkins

NAY

None

INTO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
 - 1. Montgomery County Government Center
 - 2. Prices Fork Elementary School Site
 - 3. Old Blacksburg Middle School Property

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
 - 1. Personnel

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

OUT OF CLOSED MEETING

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
William H. Brown	
Annette S. Perkins	

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only

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such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
William H. Brown
James D. Politis
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A Moment of Silence was lead by the Chair Perkins.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATIONS

Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2008

John Aldridge, Brown, Edwards & Company, L.L.P. presented Montgomery County's Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2008. Mr. Aldridge reported that the audit was conducted in accordance with auditing standards and submitted as required by state law. A financial audit was performed for Montgomery County, Montgomery County Public Schools, Montgomery County Public Service Authority, and Montgomery County Industrial Development Authority.

Other Post Employment Benefits – Removed from the Agenda

This presentation was removed from the agenda and will be added to a future agenda.

PUBLIC HEARINGS

Special Use Permit – Richard A. Rose

A request by Richard A. Rose for a Special Use Permit (SUP) on approximately 0.234 acres in a Residential (R-3) zoning district to allow a Manufactured Home, Class A (doublewide). The property is located at 3824 Truman Ave., and is identified as Tax Parcel No(s). 090-1BK-B-12E (Acct No. 100531), in the Riner Magisterial District (District D). The property currently lies in an area designated as High Density Residential in Plum Creek Village in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a brief summary on said request. The applicant is requesting a special use permit in order to allow a doublewide mobile home on property zoned Residential (R-3). The site is currently vacant and the placement of a double-wide will fit in well with the surrounding parcels and respective dwellings.

At their January 14, 2009 meeting, the Planning Commission recommended approval of this request with four conditions.

There being no speakers, the public hearing was closed.

A request to adopt a new Future Land Use Map

A request to adopt a new Future Land Use Map as part of the Montgomery County 2025 Comprehensive Plan for the Villages of Elliston and Lafayette (approved 6/25/07), Prices Fork (approved 11/16/05) and Riner (approved 6/25/07).

Steve Sandy, Planning Director, provided a brief summary on the proposed changes. The approved future land use maps for the Villages of Elliston-Lafayette, Prices Fork and Riner were prepared by consultants and these maps are not identical to the future land use maps approved for the Villages of Belview, Plum Creek and Shawsville. Staff has prepared a draft future land use map for Villages of Elliston-Lafayette, Prices Fork and Riner that are in the same format as the other approved villages. The request will replace the previously approved future land use maps for these Villages and approve as part of the official village plan the new maps.

At their January 14, 2009 meeting, the Planning Commission recommended approval of the new future land use maps for the Villages of Elliston-Lafayette, Prices Fork and Riner and replace the existing maps.

Supervisor Creed commented that he would like to see historic property and property in conservation easements along the border of the Village of Elliston-Lafayette be shown in a different color on the map. He believes it would be helpful to potential developers in the future to look at the map and know what areas are in a conservation easement and historic property.

There being no speakers, the public hearing was closed.

An ordinance amending Chapter 10 entitled Zoning, Section 10-28 & 10-29

An ordinance amending Chapter 10 entitled Zoning, Section 10-28, General Business (GB), and Section 10-29, Community Business (CB) of the Code of the County of Montgomery, Virginia by adding Boarding House, Contractor's Service Establishment and Transition House as uses permitted with a special use permit in the General Business and Community Business Districts.

Kevin Byrd, Comprehensive Planner, provided a brief summary on the ordinance amendment. This request is to consider amending the districts of General Business and Community Business to allow Boarding House, Contractor's Service Establishment and Transition House as uses permitted with a special use permit. This item was before the Board in December 2008 requesting an amendment to consider Boarding House and Transition House as uses by-right in General Business and Community Business. At that time Board members expressed concern that transition housing should not be considered as a use by-right in any district and that a special use permit should be required. Therefore, staff amended the changes to reflect the concerns of the Board of Supervisors.

At their January 14, 2009 meeting, the Planning Commission recommended approval of the Zoning Ordinance Amendment.

There being no speakers, the public hearing was closed.

An ordinance amending Chapter 10 entitled Zoning, Section 10-27

An ordinance amending Chapter 10 entitled Zoning, Section 10-27, Multiple Family Residential (RM-1) of the Code of the County of Montgomery, VA by removing Group Home as a use permitted with a special use permit in the Multiple Family Residential District (RM-1).

An ordinance amending Chapter 10 entitled Zoning, Section 10-35

An ordinance amending Chapter 10 entitled Zoning, Section 10-35 Planned Unit Development-Residential (PUD-RES) of the Code of the County of Montgomery, VA by removing Group Home as a use permitted by right in the Planned Unit Development Residential District (PUD-RES).

An ordinance amending Chapter 10 entitled Zoning, Section 10-61

An ordinance amending Chapter 10 entitled Zoning, Section 10-61, Definitions, of the code of the County of Montgomery, VA by amending the definition of Family by adding references to Group Home and Boarding House definitions and by amending the definition of Group Home by adding a reference to the definition of Family.

Kevin Byrd, Comprehensive Planner, provided a brief summary on the three public hearings listed above. The three public hearings concern revisions dealing with Group Homes. Group Home is being removed from a use permitted by right in Planned Unit Development-Residential (PUD-RES) and removed as a use permitted with a special use permit in Multiple Family Residential (RM-1) to address state code requirements. The Virginia State Code (15.2-2291) indicates Group Homes shall be considered residential occupancy by a single family and no conditions further restrictive than those imposed on residences occupied by families may be imposed. The last public hearing for ordinance amendments clarifies the definition section (10-61).

At their January 14, 2009 meeting, the Planning Commission recommended approval of these Zoning Ordinance Amendments.

There being no speakers, the public hearings were closed.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously, the Consent Agenda dated January 26, 2009 was approved.

The vote on the foregoing motion was as follows:

AYE

Doug Marrs
John A. Muffo
Gary D. Creed
William H. Brown
James D. Politis
Mary W. Biggs
Annette S. Perkins

NAY

None

R-FY-09-89
RESOLUTION BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF MONTGOMERY, VIRGINIA
SCHEDULE PUBLIC HEARING ON THE BOARD'S INTENT TO
APPROVE A JOINT ECONOMIC DEVELOPMENT AND
GROWTH SHARING AGREEMENT

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board does hereby schedule a public hearing on February 23, 2009 at 7:15 p.m., or as soon thereafter, in the Board of Supervisors' Chambers, Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia for the purpose of receiving citizens' comments on the Board of Supervisors intent to enter into a Joint Economic Development and Growth Sharing Agreement with the Town of Christiansburg, providing for the sharing of revenues from the meals and transient lodging taxes collected by the Town of Christiansburg within the revenue sharing areas more fully described as the 47.966 acres located in the Mid-County area of Montgomery County more precisely shown on the Plat of Survey of Revised Corporate Line for the Town of Christiansburg located in the Shawsville Magisterial District, Montgomery County, Virginia, incorporated in said Growth Sharing Agreement.

A-FY-09-59
FIRE PROGRAM FUND

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

23311	Fire Program Fund Distribution	\$73,767
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
424401	Fire Program Fund Distribution

\$73,767

Said resolution appropriates funds received from the Fire Program Fund for use by volunteer fire departments.

A-FY-09-60
SHERIFF
RECOVERED COSTS

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

320	Sheriff – County	\$28,924
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$28,924

Said resolution appropriates recovered costs from security for use by the Sheriff's department.

A-FY-09-61
CLERK OF CIRCUIT COURT
TECHNOLOGY TRUST FUND

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

250	Clerk of Circuit Court	\$12,247
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
02250-423100	Shared Expenses	\$12,247

Said resolution appropriates Technology Trust fund monies to cover the cost of computer equipment and microfilming and indexing for the Clerk's office.

A-FY-09-62
CLERK OF CIRCUIT COURT
RECORD PRESERVATION GRANT

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

250 Clerk of Circuit Court	\$4,480
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
22511 424401	\$4,480

Said resolution appropriates a Record Preservation Grant to be used to restore deed books in the Clerk of Circuit Court Office.

A-FY-09-63
PUBLIC SERVICE AUTHORITY
SUPPLEMENTAL APPROPRIATION

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

890 Transfer to the PSA	\$12,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
413306 Boundary Adjustment Fee	\$12,000

Said resolution appropriates fees collected from the loss of utility service from the Maple Ridge Subdivision due to a boundary line adjustment with the Town of Blacksburg.

R-FY-09-90
FINAL PLAT
KENSINGTON SUBDIVISION PHASE 1

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, Kensington Subdivision Phase 1 consists of a total of fifty-nine (59) new lots with fifty-four (54) lots located wholly within the Town of Christiansburg and five (5) lots that are partially within the Town of Christiansburg and unincorporated area of Montgomery County has been found to meet the requirements of the Montgomery County Code Chapter 8, Article IV (Subdivision Ordinance); and

WHEREAS, The Montgomery County Code, Section 8-156 provides that a subdivider shall make adequate provision for storm and floodwater runoff and that if a subdivision involves new streets, the Virginia Department of Transportation shall determine that adequate provision for runoff will be taken; and

WHEREAS, The Virginia Department of Transportation requires that Montgomery County assume maintenance responsibility and liability that might arise from detention facilities in subdivisions; and

WHEREAS, The Montgomery County Code, Section 8-157 provides for approval by the County of stormwater detention facilities conditioned upon agreement being entered into by the County and a homeowners association whereby the association assumes all liability for the maintenance and operation of the stormwater detention facilities; and

WHEREAS, The developer of Kensington Subdivision Phase 1 has agreed that said responsibility shall be assumed by the homeowners association.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Final Plat of Kensington Subdivision Phase 1 (Balzer and Associates, Inc. Job No. B0600041.00 dated 02/06/08), Riner Magisterial District.

FURTHER, The Chairman is hereby authorized to sign said plat for recordation.

OLD BUSINESS

R-FY-09-91 GYPSY MOTH SUPPRESSION PROGRAM AUTHORIZATION TO SIGN AGREEMENT

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, In June 2007 Montgomery County was notified by the Department of Agriculture and Consumer Services (VDACS) that VDACS had expanded the Virginia Gypsy Moth Quarantine to include Montgomery County; and

WHEREAS, VDACS cooperates with quarantined localities to suppress gypsy moth populations through the USDA-Forest Service grant funding to aerially treat areas that will be impacted by the gypsy moth; and

WHEREAS, To qualify for participation in the 2009 Virginia Cooperative Gypsy Moth Suppression Program Montgomery County has conducted the required surveys, public meetings, landowner notifications; and

WHEREAS, A public hearing was conducted on January 12, 2009 on the current Gypsy Moth situation in the County, the proposal submitted to the VDACS for 2009 suppression actions, and to identify public concerns; and

WHEREAS, At their meeting of January 12, 2009, the Board of Supervisors approved the use of BTK on two proposed treatment blocks on Brush Mountain and two blocks on Poor Mountain and offer requesting landowners the option of a 150' buffer zone between their property lines and the portions of the treatment blocks to be sprayed; and

WHEREAS, Approval of this agreement commits Montgomery County to participate in the 2009 Cooperative Gypsy Moth Suppression program and that federal funding may not be available for the program.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby authorizes the County Administrator to execute an Agreement between the Virginia Department of Agriculture & Consumer Services (VDACS) and the County of Montgomery, Virginia for the 2009 Cooperative Gypsy Moth Suppression Program.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
William H. Brown	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
Annette S. Perkins	

COUNTY ADMINISTRATOR'S REPORT

The County Administrator recommended scheduling a budget work session for February 10, 2009 at 6:00 p.m. It was the consensus of the Board that a work session be scheduled for February 10, 2009 at 6:00 p.m.

BOARD MEMBERS' REPORT

Supervisor Politis reported he along with Barry Robinson, Montgomery County Extension Agent, and several people from Virginia Tech toured the Hanover County Cannery. Hanover Cannery was approved to operate a commercial cannery, which Virginia Tech is interested in starting. A meeting with Montgomery County's Cannery Committee and Virginia Tech will be held February 3, 2009 to discuss the possibility of operating a commercial cannery in Montgomery County.

Supervisor Muffo announced Mike Okins, Fraud Investigator with the Department of Social Services, passed away this weekend. Mr. Okins was the only Fraud Investigator with DSS, who did an excellent job and will be missed. Supervisor Muffo expressed his sympathy to Mr. Okins family.

Supervisors Marrs reported he traveled to Richmond last week to lobby against the proposed state budget cuts for the Western Virginia Regional Jail. The State is proposing to cut \$11.2 million that has been allocated for the construction of the jail.

Supervisors Biggs received a request from Phyllis Albritton seeking the County's endorsement for passenger rail service. Numerous localities in Virginia and Tennessee are lobbying for a grant to build a model 21st century rail steel interstate service in the I-81 corridor to demonstrate fast rail freight and passenger service potential.

Library Board is working on their budget. Floyd County is proposing to cut 10% from their contribution to the Library which will affect the amount of money that will be contributed by the federal/state. The Library Board is looking at different options to decrease their budget including decreasing the number of hours the library is open.

Supervisor Biggs stated on a brighter note the Library now offers downloadable WMA and MP3 Audiobooks.

Animal Shelter - Supervisor Biggs commended Carol Edmonds, Assistant County Administrator, on an excellent job in presenting information to the public on the need for a new Animal Shelter on Thursday, January 22, 2009. She is impressed with the consultant, Bob Meade, hired to conduct a needs assessment for Montgomery County.

Supervisors Perkins attended the Economic Development Commission meeting where Dr. Tiffany Anderson, Superintendent of Montgomery County Public Schools, made a presentation on the different programs offered in the school system.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously, the Board adjourned to Monday, February 9, 2009 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Annette S. Perkins	

The meeting adjourned at 8:30 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins Chair, Board of Supervisors	B. Clayton Goodman, III County Administrator